

FORM 9-701. PETITION FOR WRIT OF HABEAS CORPUS, NM R CR Form 9-701

West's New Mexico Statutes Annotated
 State Court Rules
 9. Criminal Forms
 Article 7. Special Proceedings

18cv92 JH/JMC

NMRA, Form 9-701

FORM 9-701. PETITION FOR WRIT OF HABEAS CORPUS

Currentness

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

[For use with District Court Criminal Rule 5-802 NMRA]

JAN 29 2018

STATE OF NEW MEXICO

COUNTY OF Bernalillo

MATTHEW J. DYKMAN
 CLERK

IN THE DISTRICT COURT of the 2nd
 Judicial District

For Official Use Only

No. 2008-00372; 2009-01970

(To be supplied by the clerk of the court)

Jesus Cardona

(Full name of prisoner)

Petitioner,

v.

Warden Ken Smith

(Name of warden, jailor or other person having power to release the petitioner)

Respondent.

Instructions -- Read Carefully

Make sure that all information provided in this form is true and correct. Make sure that all necessary documents are attached, or explain why the documents are not being included. If you are currently incarcerated, you may file the petition without payment of the filing fee. If you are not incarcerated and are seeking free process, complete Form 9-403.

Finally, you must complete the certificate of service and mail or otherwise serve copies of this petition on the respondent and the district attorney in the county in which the petition is filed. You must file the original petition and one copy with the Clerk of the District Court. You should keep a copy for your own records.

PETITION FOR WRIT OF HABEAS CORPUS¹

FORM 9-701. PETITION FOR WRIT OF HABEAS CORPUS, NM R CR Form 9-701

(Name of warden, jailor or other person having
power to release the petitioner)

Respondent.

Instructions -- Read Carefully

Make sure that all information provided in this form is true and correct. Make sure that all necessary documents are attached, or explain why the documents are not being included. If you are currently incarcerated, you may file the petition without payment of the filing fee. If you are not incarcerated and are seeking free process, complete Form 9-403.

Finally, you must complete the certificate of service and mail or otherwise serve copies of this petition on the respondent and the district attorney in the county in which the petition is filed. You must file the original petition and one copy with the Clerk of the District Court. You should keep a copy for your own records.

PETITION FOR WRIT OF HABEAS CORPUS¹

Jesus Cordeiro (name of person in custody) is imprisoned or otherwise restrained at C.N.M.C.F. (name of facility and county of detention) by K. Smith (name and title of person having custody).

2. This petition

[W] seeks to vacate, set aside or correct an illegal sentence or order of confinement (i.e., ineffective assistance of counsel, illegal search and seizure, involuntary confession, or other matters relating to the trial or sentence the confined person received).

[W] challenges confinement or conditions of confinement or matters other than the sentence or order of confinement. (This applies only to matters arising after the confined person arrived at the institution, i.e., county jail confinement, mental hospital confinement, detention facility confinement, good time credit, misconduct report, prison due process violation or parole).

3. State concisely the facts upon which the confined person bases the claim:

#1 I claim misconduct by my Council #2 Ineffective Assistance

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of Council. #3 District Attorney Misconduct. #4 Double Jeopardy, #5
 Correction to original plea agreement, mine amended without my
 own consent. #6 Claim of Severe Mental Disease as grounds for
 dismissal to all charges & counts. See Attached pages
 #7 Ineffective assistance by N.M. Public Defender's office
 4. State concisely the grounds and law, or other legal authorities on which the confined person bases the claim:

I will rely on Habeas Council to enact proper laws, cases,
 legal citations & add similar to Lewis vs Casey I am &
 was severely mentally ill & 100% Mentally disabled per the
 Americans with Disability's Act, The Protection & Advocacy
 of the Mentally Ill Act. 42. U.S.C. 10803. (1)(2)(A)(B)

5. Have the grounds being raised in this petition been raised previously in your direct appeal? If so, explain the result. If not, explain why not:

I don't know, I can't remember. I am a mentally
 ill person & many facts are unclear to me. I am
 aided now in filing this petition, due to the
 fact I cannot myself due to severe mental
 disease.

6. Have the grounds raised in this petition been raised previously in another petition for a writ of habeas corpus? If so, explain the result. If not explain why not:

No. I did not know how, And still do not. I
 needed aid then & aid now, due to severe mental
 disease.

#7 I seek dismissal of the Public Defender's Dept. for the reasons of ineffective assistance council.

#8 Dismissal of P.D.'s office as council for the foregoing reasons

A: On the News at 10: PM.

They did broadcast a segment showing a Courtroom in the City of Albq. Of one of the District Court judge's dismissing an offense for ineffective assistance of council by the Public Defender's Office's with prejudice.

1. At this point the P.D.'s office's attorney objected to this order by stating that due to this decision, one I consider to be landmark in New Mexico, the Public Defender's did state that due to this ruling the P.D.'s offices would have to hand pick the cases to defend, due to the fact the judge had ruled to dismiss upon omission from the P.D.'s office's upon discovery by the Defendant that he could not be afforded an adequate defense due to under funding for

The Public Defender's Dept. which the P.D.'s officer did admit to on the record in an open court on the record. After this omission dismissal was judged warranted with ~~prejudice~~ prejudice, resulting in the other objection of hand picking cases, to which the judge in this case further rendered a decision that should the P.D.'s do this on any case & choose not to defend a case. Those cases also must be dismissed with prejudice as the 1st.

2. It is the believe of this Petitioner that the P.D.'s does not have the capacity to mount an adequate defense due to under funding, over worked attorneys, no time for attorney to investigate or money's to investigate & obtain evidence's other than those presented in this Petition. And further records will need to be sought out for verification of Mental history's & diagnosis's. This will leave a question of law & may in the end & upon Appeal constitute Ineffective Assistance claims ~~and~~ The Public Defender's

Offices. And illustrates the question of an
 adequate defense according to the U.S.
 Constitution, Which states every Citizen
 of the U.S. is entitled to an adequate
 defense regardless to poverty, national
 origin, race or sex. And Per 42 U.S.C
 & the A.D.A. & P.A.M.I.I. §§ 10801-10851
 42 U.S.C. § 10803 (A) (i) (I) (II) (III)

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7. Briefly describe the relief requested:

The relief I request is complete dismissal and/or correction of sentencing for both double jeopardy & for agreed to 18 year CAP in original sentence, agreed to in original plea or less. Due to mental disease. Severe!

8. State the nature of the court proceeding resulting in the confinement (i.e., criminal prosecution, civil commitment, etc.), including:

(a) case name:

State of N.M. vs. Jesus Cordova

(b) docket number:

CR. No. 2008-00377; 2009-01970

(c) name of judge:

Jacqueline D. Flores

(d) name and location of the court in which the proceeding was held:

2nd Judicial District Court of ~~Bent~~ Bernalillo County
Albuquerque, N.M.

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9. State the date of the final judgment, order or decree for confinement:

Original Repeat Offender Plea + Disposition Agreement

3-21-12, 2 other decrees not as the original #1 J+S + order
Suspending sentence, #2 Amended J+S. + order Partially Suspending
sentence decree date: Sept 5, 2013. 2 last filings done with 2013

10. Attach a copy of the judgment, order or decree. If not, describe your sentence. Consent

N/A

11. Was the conviction the result of:

☒ Guilty plea

☐ No Contest plea (*nolo contendere*)

☐ Finding of guilty by judge or jury

12. Was the confined person represented by an attorney during the proceedings resulting in the confinement?

☒ Yes

☐ No

13. If you answered "yes" to (12), list the name and address of each attorney who represented the confined person:

John Grubisic P.O. Box 25483

Ally N.M. 87125 (505) 247-1541

14. Did you appeal your conviction?

No.

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☐ Yes (Go to 15)

☒ No (Go to 16)

15. If you answered "yes" to (14), list:

(a) The name of each court to which an appeal was taken:

.....

.....

(b) The case name and docket number for each appeal:

.....

.....

(c) The date each appeal was filed and decided: *(Attach a copy of each opinion or order)*

.....

.....

.....

(d) A summary of the grounds upon which each appeal was based:

.....

.....

.....

FORM 9-701. PETITION FOR WRIT OF HABEAS CORPUS, NM R CR Form 9-701

(e) The result of each appeal:

(f) The name and address of the attorney on appeal:

~~My own limited understanding as a severely mentally ill person~~

16. If you answered "no" to (14), state the reasons for not appealing:

My own limited understanding, I perceived I received an 18 year CAP on all sentences. And only now do I now understand limitedly this did not occur. And Due to mental Disease severe since childhood I did not understand until this

17. Apart from any appeals listed in (15), have any other post conviction applications, petitions or motions, date & with
 been filed with regard to this same imprisonment or restraint?
 old only

☒ Yes (Go to 18)

☒ No (Go to 19)

18. If you answered "yes" to (15), list with respect to each such petition or motion:

(a) The type of proceeding:

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.....

.....

(b) The name and date of each case:

.....

(c) the docket number:

.....

(d) the court, the administrative agency, or institutional grievance committee from which relief was sought:

.....

(e) the result of each proceeding. *(Attach a copy of each decision.)*

.....

(f) The issues raised in each proceeding:

.....

(g) State whether a hearing was held in connection with each of these proceedings:

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(h) State whether the confined person was represented by an attorney in each proceeding and, if so, the attorney's name and address:

19. Do you seek the appointment of counsel to represent you?

☒ Yes

☐ No

VERIFICATION

STATE OF NEW MEXICO

COUNTY OF Valencia Bernalillo

I, the undersigned, being first duly sworn upon my oath, state that I am the petitioner in this action. I have read the foregoing petition and know and understand its contents, and the information contained herein is true and correct to the best of my knowledge, information and belief. On _____, ____ (date), I deposited this petition in the internal mail system of the institution in which I am confined, properly addressed with any necessary postage prepaid, for forwarding to the district court at the following address:

____ Court (name of court)

____ (city), New Mexico, ____ (zip code).

(
Signature
)

(
Address

Jesus Cordova C.N.M.C.F./M.H.T.C P.O. Box 13-28 Los Lunas N.M. 87031
PNM No., if applicable #

FORM 9-701. PETITION FOR WRIT OF HABEAS CORPUS, NM R CR Form 9-701

SUBSCRIBED AND SWORN TO before me this ____ day of _____, __, by

(Name of petitioner)

Notary Public

Notary Waived Pursuant to N.M.R.A. Rule 1-011(B)

My Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing petition were served upon the respondent and the district attorney in the county in which the petition is filed by _____ (describe manner of service), this ____ day of _____, ____.

(
Signature of petitioner
)

USE NOTE

Credits

[Adopted effective Aug. 1, 1989. Amended effective May 6, 2009; Dec. 31, 2014.]

Footnotes

1

After this petition is reviewed by the Court, the Court will enter the order granting or denying the writ or ordering a response before further action. The order shall be prepared by the Court.

2

Petitioners who are incarcerated at the time of filing the petition need not file a motion for free process and may file the petition without payment of the applicable filing fee. See Rule 5-802(D)(2) NMRA.

NMRA, Form 9-701, NM R CR Form 9-701

State court rules are current with amendments received through July 1, 2015.

FORM 9-704. ORDER OF APPOINTMENT FOR HABEAS..., NM R CR Form 9-704

West's New Mexico Statutes Annotated
State Court Rules
9. Criminal Forms
Article 7. Special Proceedings

NMRA, Form 9-704

FORM 9-704. ORDER OF APPOINTMENT FOR HABEAS
CORPUS PROCEEDINGS UNDER RULE 5-802 NMRA

Currentness

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

[For use with District Court Criminal Rule 5-802 NMRA]

JAN 29 2018

STATE OF NEW MEXICO

COUNTY OF Bernalillo

MATTHEW J. DYKMAN

2nd JUDICIAL DISTRICT COURT

Jesus Cardona

No. 2008-00377, 2009-61920

Petitioner,

v.

Warden Ken Smith

Respondent.

ORDER OF APPOINTMENT FOR HABEAS CORPUS PROCEEDINGS UNDER RULE 5-802 NMRA

This matter having come before the court, and the court being fully advised of the circumstances;

THE COURT FINDS THAT:

[W] the petitioner is incarcerated; or

[W] the petitioner is not incarcerated, and is indigent and unable to obtain counsel; and

[W] This is a proceeding which a reasonable person would bring at that person's own expense.¹

IT IS THEREFORE ORDERED THAT:

[W] the Public Defender Department is hereby appointed to represent the Petitioner in the above-entitled cause without payment of the application fee.

FORM 9-704. ORDER OF APPOINTMENT FOR HABEAS..., NM R CR Form 9-704

[W] the Public Defender Department, shall appoint an attorney on contract with the department represent the petitioner based on the conflict memorandum reviewed by the court or as disclosed at a status conference with the court.

[W] petitioner's counsel shall file an amended petition or a notice of non-intent to file an amended petition within ninety (90) days of the date of the filing of this order.

(
District Judge
)

USE NOTE

If the Public Defender Department is appointed, the clerk of the district court shall mail a copy of this order and a copy of the pro se petition to the Post-Conviction/Habeas Division, Office of the Public Defender, 505 Marquette NW, Ste. 120, Albuquerque, NM 87102.

Credits

[Adopted effective Dec. 31, 2014.]

Footnotes

- 1 Under the Indigent Defense Act, a person has the limited right to appointed counsel representation in post-conviction matters "unless the court in which the proceeding is brought determines that it is not a proceeding that a reasonable person with adequate means would be willing to bring at his own expense" NMSA 1978, § 31-16-3(B)(3) (1968). Therefore, the Public Defender may not be able to represent a petition in all cases.

NMRA, Form 9-704, NM R CR Form 9-704

State court rules are current with amendments received through July 1, 2015.

End of Document

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FORM 9-705. PROCEDURAL ORDER ON PETITION FOR..., NM R CR Form 9-705

West's New Mexico Statutes Annotated

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NMRA, Form 9-705

FORM 9-705. PROCEDURAL ORDER ON PETITION FOR WRIT OF HABEAS CORPUS

Currentness

[For use with District Court Criminal Rule 5-802 NMRA]

STATE OF NEW MEXICO

COUNTY OF Bernalillo

In the 2nd JUDICIAL DISTRICT COURT

Jesus Cordova

No. 2008-CO-377; 2009-CR-70

Petitioner,

v.

Warden K. Smith

Respondent.

This matter having come before the court on petitioner's petition for a writ of habeas corpus or other pleading pursuant to Rule 5-802 NMRA of the Rules of Criminal Procedure for the District Courts, the court having reviewed the record and being otherwise fully advised in the premises, FINDS AND ORDERS THAT:

[W] This matter is transferred because of improper venue to the _____ Judicial District Court.

[W] This matter is summarily dismissed because as a matter of law petitioner is not entitled to relief based on a review of the files, pleadings, and records which show that: (*statement of reasons required*)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

FORM 9-705. PROCEDURAL ORDER ON PETITION FOR..., NM R CR Form 9-705

2. **RETURN OF PETITION FOR FURTHER INFORMATION:**

[W] The petition is returned to petitioner for additional information on the following issues/claims:

Pursuant to Rule 5-802(G) NMRA, a revised petition shall be filed within forty-five (45) days after service of this order.

3. **FREE PROCESS AND APPOINTMENT OF COUNSEL:**

[W] Petitioner is granted permission to proceed *in forma pauperis* based on Form 9-403 NMRA or because petitioner is an inmate of a correctional facility.

[W] Petitioner is not granted permission to proceed *in forma pauperis*.

[W] The court, having received an amended petition or a notice that no amended petition will be filed, and based upon a review of the files, pleadings, and records, including the amended petition, hereby summarily dismisses the petition. (*statement of reasons required*)

[illegible]

FORM 9-705. PROCEDURAL ORDER ON PETITION FOR..., NM R CR Form 9-705

5. HEARING SCHEDULE:

[W] A status conference will be held on _____ (date), at _____ (time).

[W] A preliminary disposition hearing will be held on _____ (date), at _____ (time).

[W] An evidentiary hearing will be held on _____ (date), at _____ (time).

[W] An evidentiary hearing is not required, but legal argument will be heard on this matter on _____ (date), at _____ (time).

(
District Judge
)

USE NOTE

Credits

[Adopted effective Dec. 31, 2014.]

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

FILED
SECOND JUDICIAL DISTRICT
2012 MAR 21 AM 11:01

Amy T. [Signature]

JAMIE FREEMAN

CR No. 2008-00377; 2009-01970
DA File #: 2008-00227-1; 2009-01940-1
FBI#: 553809NB3

STATE OF NEW MEXICO,

Plaintiff,

vs.

JESUS CORDOVA;
Aka: Jesus Chris Cordova; Jesus C. Cordova; Big Chango; Chango; Chewy,
DOB: xx-xx-1985
SSN: xxx-xx-0721

Defendant.

REPEAT OFFENDER PLEA AND DISPOSITION AGREEMENT

The State of New Mexico and the defendant agree to this disposition of these cause numbers:

PLEA

CHARGES: The defendant agrees to plead Guilty to the following crimes:

1. ***KIDNAPPING (SEXUAL OFFENSE COMMITTED) [0116]***, contrary to §30-04-01, NMSA 1978, a first (1st) degree felony offense and serious violent offense pursuant to §33-02-34, NMSA 1978, committed on or about August 4, 2007, as charged in Count 1 of the Indictment CR 2008-00377.
2. ***CRIMINAL SEXUAL PENETRATION IN THE SECOND DEGREE (DEADLY WEAPON) [0291]***, contrary to §30-9-11D, NMSA 1978, a second (2nd) degree felony offense and a serious violent offense pursuant to §33-02-34, NMSA 1978, committed on or about August 4, 2007, as charged in Count 2 of the Indictment CR 2008-00377.
3. ***AGGRAVATED BATTERY (DEADLY WEAPON) [0070]***, contrary to §30-03-05 (A) & (C), NMSA 1978, a third (3rd) degree felony offense and a serious violent offense pursuant to §33-02-34, NMSA 1978, committed on or about August 4, 2007, as charged in Count 7 of the Indictment CR 08-00377.
4. ***AGGRAVATED BATTERY (GREAT BODILY HARM) [2241]***, contrary to §30-03-05

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CR 2008-00377; 2009-01970

REPEAT OFFENDER PLEA AND DISPOSITION AGREEMENT

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(A) & (C), NMSA 1978, a third (3rd) degree felony offense and a serious violent offense pursuant to §33-02-34, NMSA 1978, committed on or about March 12, 2009, as charged in the Alternative to Count 1 of the Indictment CR 2009-01970.

ADMISSION OF IDENTITY: The defendant admits that defendant was convicted of the following crimes. The defendant also agrees that conviction for these crimes are valid and free from error.

1a. On or about March 27, 2006, the defendant committed the felony of *KIDNAPPING* and was convicted on December 12, 2008, in Criminal Cause No. D-202-CR-2008-01639, in the Second Judicial District Court, Bernalillo County, New Mexico.

1b. On or about August 20, 2007, the defendant committed the felony of *AGGRAVATED BATTERY (DEADLY WEAPON)* and was convicted on February 9, 2009, in Criminal Cause No. D-202-CR-2007-04029, in the Second Judicial District Court, Bernalillo County, New Mexico.

TERMS

This agreement is made according to the following conditions:

SENTENCING AGREEMENT: The State agrees that the sentences imposed in these matters will be served concurrently to the sentence the Defendant is currently serving on Cause No. D-202-CR-2006-01639 and D-202-CR-2007-04029. The State also agrees to a "CAP" of eighteen (18) years on any potential incarceration at initial sentencing only. Upon Defendant's release from custody, the Defendant will register as a sex offender pursuant to §29-11A-1, et seq., NMSA 1978, as amended, and will be placed on probation in the sex offender unit for an indeterminate period of time between five (5) and twenty (20) years pursuant to §31-21-10.1, NMSA 1978, as amended. There are no other agreements as to sentencing.

Any sentencing agreement is specifically conditioned on the Defendant not violating any conditions of release while pending sentencing, not violating any Federal, State or Local laws while pending sentencing, and on the Defendant appearing for the PSR interview (if applicable) and for sentencing.

PENALTIES: The maximum penalties for these crimes are as follows:

1. *KIDNAPPING (SEXUAL OFFENSE COMMITTED)*, a First Degree Felony: basic

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CR 2008-00377; 2009-01970

REPEAT OFFENDER PLEA AND DISPOSITION AGREEMENT

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sentence of eighteen (18) years incarceration, a fine of up to \$15,000, to be followed by a two (2) year parole term.

2. CRIMINAL SEXUAL PENETRATION IN THE SECOND DEGREE (DEADLY WEAPON), a Second Degree Felony: basic sentence of nine (9) years incarceration, a fine of up to \$10,000, to be followed by a two (2) year parole term.

3. AGGRAVATED BATTERY (DEADLY WEAPON), a Third Degree Felony: basic sentence of three (3) years incarceration, a fine of up to \$5000, to be followed by a two (2) year parole term.

4. AGGRAVATED BATTERY (GREAT BODILY HARM), a Third Degree Felony: basic sentence of three (3) years incarceration, a fine of up to \$5000, to be followed by a two (2) year parole term.

POTENTIAL INCARCERATION: If the court accepts this agreement, the defendant may be ordered to serve a period of incarceration between zero (0) and eighteen (18) years. The defendant will also be ordered to serve a period of probation, register as a sex offender, and comply with all the conditions outlined in the Notice of Requirement to Register As Convicted Sex Offender Pursuant to NMSA 29-11a-7. If the defendant later violates that probation, defendant may be incarcerated for the balance of the sentence, plus additional time if enhanced later.

If the defendant is incarcerated on a "serious violent offense" pursuant to 33-2-34, NMSA 1978, as amended, then the provisions of the statute as to earned meritorious deductions will apply.

CHARGES TO BE DISMISSED: The following charges will be dismissed or will not be filed: Counts 3, through 6, and 8 through 11 of CR 08-00377; Count 2, and the Alternative to Count 2 of the Indictment CR 09-01970, and habitual offender proceedings based on the convictions listed under "Admission of Identity". The State will not bring additional habitual offender proceedings against the defendant except as outlined below in the sections labeled "Undisclosed Prior Convictions" and "Habitual Offender Proceedings."

RESTITUTION: Restitution will be ordered in accordance with Section 31-17-1. The defendant, in cooperation with the probation office, will prepare a restitution plan to be

STATE VS. JESUS CORDOVA

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REPEAT OFFENDER PLEA AND DISPOSITION AGREEMENT

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incorporated into the court's sentence. The defendant agrees to make restitution on all charges arising out of these DA files even if those charges are dismissed or not filed because of this agreement. The defendant agrees not to discharge the restitution obligation in bankruptcy.

UNDISCLOSED PRIOR CONVICTIONS: The state may bring additional habitual offender proceedings, as provided by law, based on any convictions not admitted in this plea. The state may also choose to withdraw this plea agreement if it discovers any such convictions.

HABITUAL OFFENDER PROCEEDINGS

UPON VIOLATION: The defendant understands that if defendant violates any law after entering this plea and before completing the sentence in this case, defendant will be subject to additional habitual offender proceedings based on the convictions listed under the section labeled "Admission of Identity." The State also may bring additional habitual offender proceedings if the defendant violates any condition of probation or parole. The State may bring additional habitual offender proceedings if the violation is admitted or proven, even if probation or parole is not revoked or the defendant is not convicted of the new crime. The defendant agrees that the district attorney's office or the court may inspect defendant's probation or parole records to determine whether the conditions of defendant's probation or parole have been violated.

PROOF: The State will use the defendant's admission of identity to the prior felony convictions in any additional habitual offender proceedings. The defendant understands and agrees that the admission alone will be sufficient proof that defendant is the person convicted of those felonies.

VALIDITY OF CONVICTIONS: For purposes of this subsection, the prior convictions listed in the "Admission of Identity" section above are "Prior Felony Convictions." The Defendant agrees that the Defendant is the person who was convicted of the Prior Felony Convictions and that the Prior Felony Convictions were felonies. The Defendant also agrees that the Defendant's constitutional rights, including the right to counsel, were not violated at the time the Prior Felony Convictions were obtained. The Defendant further agrees that the Prior Felony Convictions satisfy the definition of "prior felony conviction" in Section 31-18-17, NMSA 1978. The Defendant waives any collateral attack of on each of the Prior Felony Convictions. The Defendant agrees not

STATE VS. JESUS CORDOVA
REPEAT OFFENDER PLEA AND DISPOSITION AGREEMENT

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- 2) violate any condition of release; OR
 - 3) fail to appear for the pre-sentence report interview as scheduled; OR
 - 4) fail to appear for a scheduled court hearing, including but not limited to a sentencing hearing; OR
 - 5) fail to turn myself in to begin serving any period of incarceration as court ordered.
- I understand that by admitting my identity on the prior conviction or convictions, I give up my privilege against self-incrimination if additional habitual offender proceedings are filed in this case under this agreement. I understand that when I admit the validity of the prior convictions I give up my right to collaterally attack these convictions in any additional habitual offender proceedings which are filed under this agreement.

I agree to enter my plea, and I admit that I am the person previously convicted of felonies as indicated above and according to the terms and conditions set forth in this agreement. I understand that if the court grants me probation, a suspended sentence, a deferred sentence or a conditional discharge, the terms and conditions of the sentence are subject to modification if I violate any of the terms or conditions imposed.

3-21-12
DATE

Jesus Cordova
JESUS CORDOVA
DEFENDANT

I have discussed this case with my client in detail and have advised the defendant of defendant's constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I agree with the plea outlined in this agreement and its terms and conditions.

STATE VS. JESUS CORDOVA

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REPEAT OFFENDER PLEA AND DISPOSITION AGREEMENTPage 4

incorporated into the court's sentence. The defendant agrees to make restitution on all charges arising out of these DA files even if those charges are dismissed or not filed because of this agreement. The defendant agrees not to discharge the restitution obligation in bankruptcy.

UNDISCLOSED PRIOR CONVICTIONS: The state may bring additional habitual offender proceedings, as provided by law, based on any convictions not admitted in this plea. The state may also choose to withdraw this plea agreement if it discovers any such convictions.

HABITUAL OFFENDER PROCEEDINGS

UPON VIOLATION: The defendant understands that if defendant violates any law after entering this plea and before completing the sentence in this case, defendant will be subject to additional habitual offender proceedings based on the convictions listed under the section labeled "Admission of Identity." The State also may bring additional habitual offender proceedings if the defendant violates any condition of probation or parole. The State may bring additional habitual offender proceedings if the violation is admitted or proven, even if probation or parole is not revoked or the defendant is not convicted of the new crime. The defendant agrees that the district attorney's office or the court may inspect defendant's probation or parole records to determine whether the conditions of defendant's probation or parole have been violated.

PROOF: The State will use the defendant's admission of identity to the prior felony convictions in any additional habitual offender proceedings. The defendant understands and agrees that the admission alone will be sufficient proof that defendant is the person convicted of those felonies.

VALIDITY OF CONVICTIONS: For purposes of this subsection, the prior convictions listed in the "Admission of Identity" section above are "Prior Felony Convictions." The Defendant agrees that the Defendant is the person who was convicted of the Prior Felony Convictions and that the Prior Felony Convictions were felonies. The Defendant also agrees that the Defendant's constitutional rights, including the right to counsel, were not violated at the time the Prior Felony Convictions were obtained. The Defendant further agrees that the Prior Felony Convictions satisfy the definition of "prior felony conviction" in Section 31-18-17, NMSA 1978. The Defendant waives any collateral attack of on each of the Prior Felony Convictions. The Defendant agrees not

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3-21-12


DATE


JOHN GRUBESIC
DEFENSE COUNSEL

I have reviewed this matter and agree that the plea and disposition are appropriate and are in the interest of justice.

3/21/12

DATE


NATALIE STRUB
PROSECUTOR

APPROVED:


JACQUELINE D. FLORES
DISTRICT JUDGE

500

FILED
SECOND JUDICIAL DISTRICT

BRITNEY MUNOZ

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

2013 APR 30 AM 9:07

Harry T. Child

STATE OF NEW MEXICO,
Plaintiff,

CR No: 2008-00377; 2009-01970
DA File No:2008-00227-1; 2009-01940-1

vs.

JESUS CORDOVA,

aka: JESUS CHRIS CORDOVA; JESUS C. CORDOVA; BIG CHANGO; CHANGO;
CHEWY,

Defendant.

DOB:**/**/1985

SSN: ***-**-0721

Address: *IN CUSTODY*

- ☐ JUDGMENT, SENTENCE, AND COMMITMENT (MDC)
- ☐ JUDGMENT, SENTENCE, AND COMMITMENT (DOC)
- ☒ JUDGMENT, SENTENCE, AND ORDER PARTIALLY SUSPENDING SENTENCE
- ☐ JUDGMENT, SENTENCE, AND ORDER SUSPENDING SENTENCE
- ☐ CONDITIONAL DISCHARGE
- ☐ ORDER DEFERRING SENTENCE

THIS MATTER having come before the Honorable JACQUELINE FLORES, District Court Judge, on April 11, 2013, for sentencing, the State appearing and being represented by NATALIE STRUB and the Defendant appearing in person and represented by counsel of record, JOHN GRUBESIC, and the Defendant having been convicted on March 21, 2012, of the following crimes pursuant to:

- ☒ Guilty Plea(s)
- ☐ Guilty Plea Pursuant to North Carolina v. Alford
- ☐ Provisional Plea of Guilty Subject to a Conditional Discharge
- ☐ No Contest Plea(s)
- ☐ Verdict(s),

and is hereby sentenced to the custody of the:

- ☐ Bernalillo County Metropolitan Detention Center
- ☒ New Mexico Department of Corrections

for the following terms of imprisonment:

NIC

Case Number: 2008-00377; 2009-01970

Case Number 2008-00377	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count Number 1	§30-04-01	F1		August 4, 2007	Y	Indictment Information	
Offense Name KIDNAPPING (SEXUAL OFFENSE COMMITTED) [0116]	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	(Y) N
	18	-	-			2+7 of 2008- 00377 + A.H. 1 of 2009-01970	Years
Case Number 2008-00377	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count 2	§30-09-11(D)	F2		August 4, 2007	Y	Indictment Information	
Offense Name CRIMINAL SEXUAL PENETRATION IN THE SECOND DEGREE (DEADLY WEAPON) [0291]	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	(Y) N
	9	-	-			1+7 of 2008-00377 + A.H. 1 of 2009-01970	Years
Case Number 2008-00377	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N	Charging Document (Circle One)	
Count 7	§30-03-05 (A) & (C)	F3		August 4, 2007	Y	Indictment Information	
Offense Name AGGRAVATED BATTERY (DEADLY WEAPON) [0070]	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	(Y) N
	3	-	-			1+2 of 2008-00377 + A.H. 1 of 2009-01970	Years

Enhancements: F = Firearm, O = Old Age, H = Handicap, HO = Habitual Offender

* Applies to crimes committed after July 1, 1999. See below for any special enumerations required for this status.

Case Number: 2008-00377; 2009-01970

Case Number 2009-01970	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count Number Alternative to Count 1	§30-03-05 (A) & (C)	F3		March 12, 2009	Y	Indictment Information	
Offense Name AGGRAVATED BATTERY (GREAT BODILY HARM) {2241}	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	Y N
	3	-	-			1, 2, +7 of 2008- 00377	Years
Case Number	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count	§					Indictment Information	
Offense Name	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	Y N
							Years
Case Number	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N	Charging Document (Circle One)	
Count	§					Indictment Information	
Offense Name	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	Y N
							Years

Enhancements: F = Firearm, O = Old Age, H = Handicap, HO = Habitual Offender

* Applies to crimes committed after July 1, 1999. See below for any special enumerations required for this status.

Case Number: 2008-00377; 2009-01970

☐ **Aggravation/Mitigation.** The sentence for count(s) _____ is ☐ Aggravated ☐ Mitigated for _____ years.

☐ **Enumeration of Discretionary Special Violent Offender Findings.** _____

☒ **Total Sentence.** 33 years, - months, - days.

☒ **Suspended Sentence.** 15 years, - months, - days of this sentence is suspended.

☒ **Actual Term.** The actual term to be served is: 18 years, - months, - days imprisonment.

☐ Consecutive to the sentence imposed in Case Number _____.

☒ Concurrent to the sentence imposed in Case Number 2006-01639 + 2007-04029

☐ **Community Custody Program (CCP).** Confinement in CCP for a term of _____ months, _____ days is:

☐ Not Authorized

☐ Authorized

☐ Ordered

☒ **Presentence Confinement Credit.** Defendant, if imprisoned at any time pursuant to the above conviction(s), shall be given credit for presentence confinement in the amount of 1987 days as of this date, and postsentence confinement credit until transported to the Department of Corrections shall also be awarded.

☒ **Parole.** Defendant, if imprisoned at any time in the New Mexico Department of Corrections, shall be placed on parole for 2 year(s) after release and be required to pay parole costs.

☐ **Deferred Sentence.** Sentence is deferred for _____ years, _____ months _____ days.

☐ **Conditional Discharge.** Without adjudication of guilt, further proceedings are deferred for _____ years, _____ months, _____ days pursuant to:

☐ NMSA §31-20-13

☐ NMSA §30-31-28 (Controlled Substances Act)

☒ **Probation.** Probation term of 5-20 years, - months, - days.

☒ Supervised

☐ Unsupervised

☐ **No Probation.**

Case Number: 2008-00377; 2009-01970

PROBATION CONDITIONS:

In addition to all standard conditions of probation:

☒ Defendant Shall Obtain and Maintain Full-time Employment (30 hours/week or more), or full-time education, or a combination of employment and education.

☒ Defendant Shall Enter, Attend, and Successfully Complete Counseling/Treatment Program(s) as required by the plea and disposition agreement and/or as recommended by probation authorities. These may include but are not limited to:

- | | |
|--|--|
| <input type="checkbox"/> Alcohol/Substance Abuse Treatment | <input type="checkbox"/> Anger/Conflict Management |
| <input type="checkbox"/> Domestic Violence Counseling | <input type="checkbox"/> Victim Impact Program. |
| <input type="checkbox"/> DWI First Offenders Program | |

☐ Alcohol Screening is Ordered [§66-08-102(e) & (k)]

☒ Defendant Shall Register as a Sex Offender pursuant to section NMSA 1978 §29-11A-1, *et seq.*, as amended.

☒ Defendant Shall Pay Restitution

☐ in the amount of \$ _____
OR

☒ As determined by the probation authorities

☐ Defendant Shall Perform _____ Hours of Community Service in a program/facility approved by probation authority. The following are mandatory:

- ☐ 1st DWI - 24 hours
☐ 2nd DWI - 48 hours
☐ 3rd DWI - 96 hours

☐ Defendant Shall Have No Contact with the Co-Defendants.

☒ Defendant Shall Not Possess Weapons

☒ The Court Recommends Therapeutic Communities while the Defendant is incarcerated in the NM Department of Corrections.

☐ Terms and Conditions of Probation are Left to the Discretion of the Probation Department.

☒ Defendant Shall Not Have or Use Any ☒ Alcoholic Beverages Nor ☒ Illegal Drugs nor enter or remain in any tavern, bar, or lounge.

☐ Random Urinalysis

☐ Defendant Shall Not Have Contact or Association with Any Street Gangs or their members.

☒ Defendant Shall Not Have Contact with Victim(s) or Family(ies) of Victim(s). The defendant shall not contact in person, by phone, or through anyone, other than the defendant's probation officer or attorney, any of the following persons or their families: _____

☐ Defendant Shall Not Go to or Within _____ Of above named persons or their families residences or work places.

☐ Defendant Shall Not Go to or Remain in Any of the Following Areas or neighborhoods except when physically accompanied by a police or probation officer: _____

☐ Defendant Shall Not Drive Without a Valid New Mexico Driver's License.

☐ Defendant Shall Not Drive Without an Ignition Interlock Device.

☒ STEPS Program.

☐ Defendant Must Report to the Probation Department within _____ hours/days of sentencing.

Special Conditions of probation as follows: The Defendant will be placed on probation upon release from DOC and will serve an indeterminate period of probation in the Sex Offender Unit between 5 and 20 years.

Mental Health Treatment is recommended while the Defendant is in custody

PROBATION COSTS:

- ☐ Probation Costs shall be waived.
☐ Defendant shall pay \$ _____ per month.
☒ Probation Costs shall be paid in an amount to be determined by probation authorities.

Probation costs shall be waived for any month that the defendant is paying for:

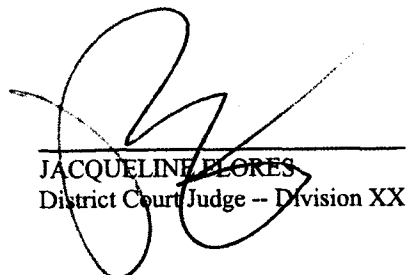
- ☐ Treatment
☐ Restitution
☐ Counseling
☐ Other: _____

FEES & FINES:


Defendant must pay the following:

- ☐ DWI Lab Fee of \$65.
☐ Crime Drug Lab Fee of \$75.
☒ DNA Fee of \$100 and provide DNA sample by _____.
☒ Domestic Violence Fee of \$5.
☐ Crimestopper Donation of \$ _____.
☐ Fine of \$ _____.
☐ _____

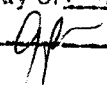
☒ **DISMISSAL OF REMAINING CHARGES:** Pursuant to the Plea and Disposition Agreement, Counts 3, 4, 5, 6, 8, 9, 10, 11 of CR 2008-00377; and Count 2 of CR 2009-01970 are hereby dismissed.


JACQUELINE FLORES
District Court Judge -- Division XX

APPROVED:


NATALIE STRUB
Assistant District Attorney
520 Lomas Blvd., NW
Albuquerque, NM 87102
(505) 222-1100

Electronic Approval 4/26/13
JOHN GRUBESIC
Counsel for Defendant
PO Box 25483
Albuquerque, NM 87125
(505) 247-1541

I hereby certify that a copy of
this instrument was delivered to
BCSO SEX OFFENDER UNIT
this 1 day of MAY, 20 17


STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

FILED
SECOND JUDICIAL DISTRICT

2013 SEP -4 AM 9:41

Amey T. Chulid

STATE OF NEW MEXICO,

Plaintiff,

vs.

CR No: 2008-00377; 2009-01970
DA File No:2008-00227-1; 2009-01940-1

JESUS CORDOVA,

aka: JESUS CHRIS CORDOVA; JESUS C. CORDOVA; BIG CHANGO; CHANGO;
CHEWY,

Defendant.

DOB:**/**/1985

SSN: ***-**-0721

Address: IN CUSTODY

AMENDED

- ☐ JUDGMENT, SENTENCE, AND COMMITMENT (MDC)
- ☐ JUDGMENT, SENTENCE, AND COMMITMENT (DOC)
- ☒ JUDGMENT, SENTENCE, AND ORDER PARTIALLY SUSPENDING SENTENCE
- ☐ JUDGMENT, SENTENCE, AND ORDER SUSPENDING SENTENCE
- ☐ CONDITIONAL DISCHARGE
- ☐ ORDER DEFERRING SENTENCE

THIS MATTER having come before the Honorable JACQUELINE FLORES, District Court Judge, on April 11, 2013, for sentencing, the State appearing and being represented by NATALIE R. STRUB and the Defendant appearing in person and represented by counsel of record, JOHN GRUBESIC, and the Defendant having been convicted on March 21, 2013, of the following crimes pursuant to:

- ☒ Guilty Plea(s)
- ☐ Guilty Plea Pursuant to North Carolina v. Alford
- ☐ Provisional Plea of Guilty Subject to a Conditional Discharge
- ☐ No Contest Plea(s)
- ☐ Verdict(s),

and is hereby sentenced to the custody of the:

- ☒ Bernalillo County Metropolitan Detention Center
- ☐ New Mexico Department of Corrections

for the following terms of imprisonment:

ESPERANZA MALDONADO

Case Number: 2008-00377; 2009-01970

Case Number 2008-00377	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count Number 1	§30-04-01	F1		August 4, 2007	Y	Indictment Information	
Offense Name KIDNAPPING (SEXUAL OFFENSE COMMITTED) [0116]	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle) F O H HO	Parole (Circle) Y N
	Years	Months	Days				
	18	-	-				
					2 & 7 of 2008- 00377 & Alt. 1 of 2009- 01970	Years	Years 2
Case Number 2008-00377	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count 2	§30-09-11(D)	F2		August 4, 2007	Y	Indictment Information	
Offense Name CRIMINAL SEXUAL PENETRATION IN THE SECOND DEGREE (DEADLY WEAPON) [0291]	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle) F O H HO	Parole (Circle) Y N
	Years	Months	Days				
	9	-	-				
					1 & 7 of 2008- 00377 & Alt. 1 of 2009- 01970	Years	Years 5 - 20
Case Number 2008-00377	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N	Charging Document (Circle One)	
Count 7	§30-03-05 (A) & (C)	F3		August 4, 2007	Y	Indictment Information	
Offense Name AGGRAVATED BATTERY (DEADLY WEAPON) [0070]	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle) F O H HO	Parole (Circle) Y N
	Years	Months	Days				
	3	-	-				
					1 & 2 of 2008- 00377 & Alt. 1 of 2009- 01970	Years	Years 2

Enhancements: F = Firearm, O = Old Age, H = Handicap, HO = Habitual Offender

Case Number: 2008-00377; 2009-01970

Case Number 2009-01970	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count Number Alternative to Count 1	§30-03-05 (A) & (C)	F3		March 12, 2009	Y	Indictment Information	
Offense Name AGGRAVATED BATTERY (GREAT BODILY HARM) {2241}	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	Y N
	3	-	-		1, 2 & 7 of 2008- 00377	Years	Years 2

Case Number	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count	§					Indictment Information	
Offense Name	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	Y N
							Years

Case Number	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N	Charging Document (Circle One)	
Count	§					Indictment Information	
Offense Name	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	Y N
							Years

Enhancements: F = Firearm, O = Old Age, H = Handicap, HO = Habitual Offender

* Applies to crimes committed after July 1, 1999. See below for any special enumerations required for this status.

Case Number: 2008-00377; 2009-01970

☐ **Aggravation/Mitigation.** The sentence for count(s) _____ is ☐ Aggravated ☐ Mitigated for _____ years.

☐ **Enumeration of Discretionary Special Violent Offender Findings.** _____

☒ **Total Sentence.** 33 years, — months, — days.

☒ **Suspended Sentence.** 15 years, — months, — days of this sentence is suspended.

☒ **Actual Term.** The actual term to be served is: 18 years, — months, — days imprisonment.

☐ Consecutive to the sentence imposed in Case Number _____.

☒ Concurrent to the sentence imposed in Case Number 2006-011639 + 2007-04029

☐ **Community Custody Program (CCP).** Confinement in CCP for a term of _____ months, _____ days is:

☐ Not Authorized

☐ Authorized

☐ Ordered

☒ **Presentence Confinement Credit.** Defendant, if imprisoned at any time pursuant to the above conviction(s), shall be given credit for presentence confinement in the amount of 1987 days as of this date, and postsentence confinement credit until transported to the Department of Corrections shall also be awarded.

☒ **Parole.** Defendant, if imprisoned at any time in the New Mexico Department of Corrections, shall be placed on parole for 5-20 year(s) after release and be required to pay parole costs.

☐ **Deferred Sentence.** Sentence is deferred for _____ years, _____ months _____ days.

☐ **Conditional Discharge.** Without adjudication of guilt, further proceedings are deferred for _____ years, _____ months, _____ days pursuant to:

☐ NMSA §31-20-13

☐ NMSA §30-31-28 (Controlled Substances Act)

☒ **Probation.** Probation term of 5-20 years, — months, — days.

☒ Supervised

☐ Unsupervised

☐ **No Probation.**

Case Number:2008-00377; 2009-01970

PROBATION CONDITIONS:In addition to all standard conditions of probation

☒ **Defendant Shall Obtain and Maintain Full-time Employment** (30 hours/week or more), or full-time education, or a combination of employment and education.

☒ **Defendant Shall Enter, Attend, and Successfully Complete Counseling/Treatment Program(s)** as required by the plea and disposition agreement and/or as recommended by probation authorities. These may include but are not limited to:

- | | |
|--|--|
| <input type="checkbox"/> Alcohol/Substance Abuse Treatment | <input type="checkbox"/> Anger/Conflict Management |
| <input type="checkbox"/> Domestic Violence Counseling | <input type="checkbox"/> Victim Impact Program. |
| <input type="checkbox"/> DWI First Offenders Program | |

☐ **Alcohol Screening is Ordered** [§66-08-102(e) & (k)]

☒ **Defendant Shall Register as a Sex Offender** pursuant to section NMSA 1978 §29-11A-1, *et seq.*, as amended.

☒ **Defendant Shall Pay Restitution**

☐ in the amount of \$ _____

OR

☒ As determined by the probation authorities

☐ **Defendant Shall Perform _____ Hours of Community Service** in a program/facility approved by probation authority. The following are mandatory:

- ☐ 1st DWI - 24 hours
☐ 2nd DWI - 48 hours
☐ 3rd DWI - 96 hours

☐ **Defendant Shall Have No Contact with the Co-Defendants.**

☒ **Defendant Shall Not Possess Weapons**

☒ **The Court Recommends Therapeutic Communities** while the Defendant is incarcerated in the NM Department of Corrections.

☐ **Terms and Conditions of Probation are Left to the Discretion of the Probation Department.**

☒ **Defendant Shall Not Have or Use Any ~~Alcoholic Beverages~~ Nor ~~Illegal Drugs~~** nor enter or remain in any tavern, bar, or lounge.

☐ **Random Urinalysis**

☐ **Defendant Shall Not Have Contact or Association with Any Street Gangs** or their members.

☒ **Defendant Shall Not Have Contact with Victim(s) or Family(ies) of Victim(s).** The defendant shall not contact in person, by phone, or through anyone, other than the defendant's probation officer or attorney, any of the following persons or their families:

☐ **Defendant Shall Not Go to or Within _____** Of above named persons or their families residences or work places.

☐ **Defendant Shall Not Go to or Remain in Any of the Following Areas** or neighborhoods except when physically accompanied by a police or probation officer: _____

☐ **Defendant Shall Not Drive Without a Valid New Mexico Driver's License.**

☐ **Defendant Shall Not Drive Without an Ignition Interlock Device.**

☒ **STEPS Program.**

☐ **Defendant Must Report to the Probation Department** within _____ hours/days of sentencing.

Special Conditions of probation as follows: The Defendant will be placed on probation upon release from DOC and will serve an indeterminate period of probation in the Sex Offender Unit between 5 & 20 years.

Mental Health Treatment is recommended while the Defendant is in Custody

PROBATION COSTS:

- ☐ Probation Costs shall be waived.
☐ Defendant shall pay \$ _____ per month.
☒ Probation Costs shall be paid in an amount to be determined by probation authorities.

Probation costs shall be waived for any month that the defendant is paying for:

- ☐ Treatment
☐ Restitution
☐ Counseling
☐ Other: _____

FEES & FINES:

Defendant must pay the following:

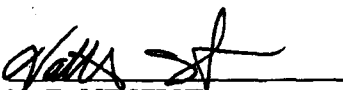
- ☐ DWI Lab Fee of \$65.
☐ Crime Drug Lab Fee of \$75.
☒ DNA Fee of \$100 and provide DNA sample by _____.
☒ Domestic Violence Fee of \$5.
☐ Crimestopper Donation of \$ _____.
☐ Fine of \$ _____.
☐ _____

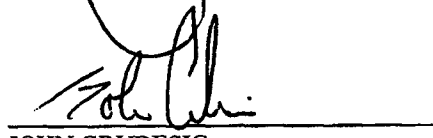
☒ **DISMISSAL OF REMAINING CHARGES:** Pursuant to the Plea and Disposition Agreement, Counts 3, 4, 5, 6, 8, 9, 10, 11 of CR 2008-00377; and Count 2 of CR 2009-01970 are hereby dismissed.

AMENDED: The parole period for Count 2 of CR 2008-00377 was corrected to 5-20 years, pursuant to §31-21-10.1, NMSA 1978.


JACQUELINE FLORES
District Court Judge -- Division XX

APPROVED:


NATALIE STRUB
Assistant District Attorney
520 Lomas Blvd., NW
Albuquerque, NM 87102
(505) 222-1100


JOHN GRUBESIC
Counsel for Defendant
PO Box 25483
Albuquerque, NM 87125
(505) 247-1541

I hereby certify that a copy of
this instrument was delivered to
Sex Offender Unit.
this 5 day of Sept, 2018
TC

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

OFFICE OF THE CLERK

SUITE 270

333 LOMAS BLVD., N.W.

ALBUQUERQUE, NEW MEXICO 87102

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United States District Court
Suite 270

333 Lomas Blvd, NW
ALB., NM

87102

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At Albuquerque NM

JAN 29 2018

MATTHEW J. DYKMAN
CLERK